

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JASON WIMBERLY,

Plaintiff,

-against-

EXPERIAN INFORMATION SOLUTIONS,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/3/2020

1:18-cv-06058-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of Plaintiff's Motion for Leave to File a Proposed Second Amended Complaint ("Motion for Leave") [ECF No. 79], which contained a Proposed Second Amended Complaint as required by the December 18, 2019 Opinion and Order entered by Judge Failla [ECF No. 65]. While the Opinion and Order explicitly required Plaintiff to file a Proposed Second Amended Complaint, it also contemplated briefing on his Motion for Leave:

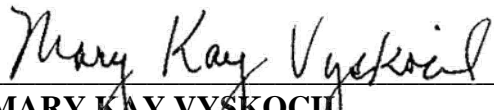
"[I]n recognition of his pro se status, the Court will permit Plaintiff, if he wishes, to move for leave to file a Second Amended Complaint. Included with any such motion must be a proposed complaint, which would have to address, among other issues, the manner in which Defendant's reports were inaccurate, why any purported inconsistencies amounted to actionable inaccuracy, and in what way Defendant failed to follow reasonable procedures in preparing its reports. . . . If Plaintiff files such a motion, the Court will set a briefing schedule for Defendant's response."

*See* ECF No. 65 at 26–27 (emphasis added).

Accordingly, it is ORDERED that Plaintiff shall have the opportunity to submit a brief in support of his Motion for Leave (an explanation of why a Second Amended Complaint should be allowed including what changes are to be made and the authority for allowing another amendment). The brief should be filed on ECF no later than April 24, 2020. Defendant will then have the opportunity to file a brief in opposition on or before May 24, 2020.

**SO ORDERED.**

**Date: April 3, 2020  
New York, NY**

  
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**MARY KAY VYSKOČIL**  
**United States District Judge**